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PATENT

Docket No. 2710-4007US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Michael B. CHANCELLOR and Johnny HUARD
Serial No. : 09/302,896 Group Art Unit: To be Assigned
Filed : April 30, 1999 Examiner: To be Assigned
For : **MUSCLE-DERIVED CELL MEDIATED GENE DELIVERY FOR TREATING
MUSCLE- AND BONE-RELATED INJURY OR DYSFUNCTION**

CERTIFICATE OF MAILING (37 C.F.R. §1.8(a))

HONORABLE COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Sir:

I hereby certify that the attached: Transmittal Letter; Response to Notice to File Missing Parts;

Executed Declaration; Copy of Notice to File Missing Parts (Filing Date Granted); Surcharge-check for \$65.00

(small entity); Copy of Statement of Small Entity Status; Return Postcard

along with any paper(s) referred to as being attached or enclosed) and this Certificate of Mailing are being deposited with the United States Postal Service on date shown below with sufficient postage as first-class mail in an envelope addressed to: **BOX: MISSING PARTS**, Assistant Commissioner for Patents, Washington, D.C. 20231.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: August 11, 1999

By: *Leslie A. Serunian*
Leslie A. Serunian
Reg. No. 35,353

CORRESPONDENCE ADDRESS:
MORGAN & FINNEGAN LLP
345 Park Avenue
New York, New York 10154
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(212) 751-6849 Facsimile



PATENT
Docket No.: 2710-4007US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Michael B. Chancellor and Johnny Huard
Serial No. : 09/302,896 Group Art Unit: To Be Assigned
Filed : April 30, 1999 Examiner: To Be Assigned
For : **MUSCLE-DERIVED CELL MEDIATED GENE DELIVERY FOR
TREATING MUSCLE- AND BONE-RELATED INJURY OR
DYSFUNCTION**

Assistant Commissioner for Patents
Washington, D.C. 20231
Attention: Box Missing Parts

TRANSMITTAL LETTER ACCOMPANYING RESPONSE TO THE NOTICE
TO FILE MISSING PARTS (FILING DATE GRANTED) DATED JULY 29, 1999

Sir:

Transmitted herewith for filing in the above-identified patent application are an executed Combined Declaration and Power of Attorney document, as required by the Notice to File Missing Parts (Filing Date Granted), dated July 29, 1999; a response to the Notice, including a copy of the Notice, and the required surcharge of \$65.00 (copy of Small Entity Statement provided).

Applicants have enclosed all fees believed to be required in connection with the filing of the enclosed papers. However, the Commissioner is hereby authorized to charge any additional fees which may be properly assessable in this application, or to credit any overpayment, to Deposit Account No. 13-4500, Order No. 2710-4007US1. A duplicate copy of this sheet is attached.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Date: August 11, 1999

By: Leslie A. Serunian
Leslie A. Serunian
Registration No.: 35,353

Correspondence Address:
MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, New York 10154
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PATENT
Docket No.: 2710-4007US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Michael B. CHANCELLOR and Johnny HUARD #4
Serial No. : 09/302,896
Filed : April 30, 1999
For : **MUSCLE-DERIVED CELL MEDIATED GENE DELIVERY
TREATING MUSCLE- AND BONE-RELATED INJURY OR
DYSFUNCTION**
Group Art Unit : To be assigned
Examiner : To be assigned

Assistant Commissioner for Patents
Washington, D.C. 20231
Attention: Box Missing Parts

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION
FILING DATE GRANTED

Sir:

This is a response to the Notice to File Missing Parts of Application (Filing Date Granted), dated July 29, 1999, for the above-identified patent application. As required, a copy of the July 29, 1999 Notice accompanies this response and is attached hereto.

An executed Combined Declaration and Power of Attorney document in compliance with 37 C.F.R. § 1.63 is also attached hereto and is believed to satisfy Item 3 of this Notice. As required by the Notice, the completed Declaration is properly signed, includes residence information and identifies the application by its U.S. Serial

Number and Filing Date. In addition, a check in the amount of \$65.00 is included with this response in payment of the required surcharge pursuant to 37 C.F.R. § 1.16(e) for the filing of the enclosed Declaration in this application as a Small Entity. A copy of the Small Entity Status Statement, previously filed in the Patent Office, is also enclosed herewith.

It is respectfully submitted that the filing of the completed Declaration and surcharge in response to the Notice satisfy the requirements pursuant to 37 C.F.R. § 1.63.

AUTHORIZATION

Applicants have enclosed herewith all fees believed to be properly assessable in this application. However, should additional fees be required by the filing of these papers, the Assistant Commissioner is hereby authorized to charge any additional fees, or to credit any overpayment, to Deposit Account No. 13-4500, Order No. 2710-4007US1.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Date: August 11, 1999

By: Leslie A. Serunian
Leslie A. Serunian
Reg. No. 35,353

Correspondence Address:
MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
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(212) 751-6849 Facsimile



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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09/302,896

04/30/99

CHAMCELLOR

M

2710-4007-US

MORGAN & FINNEGAN
345 PARK AVENUE
NEW YORK, NY 10154

0212/0729

NOT ASSIGNED

DATE MAILED 1643

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

07/29/99

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the **SURCHARGE** set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a
☐ small entity (statement filed) ☒ non-small entity is \$ 130.00

☐ 1. The statutory basic filing fee is:

- ☐ missing.
☐ insufficient.

Applicant must submit \$ _____ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☐ 2. The following additional claims fees are due:

\$ _____ for _____ total claims over 20.

\$ _____ for _____ independent claims over 3.

\$ _____ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing or unsigned.
☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

☐ 9. OTHER: _____

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

Customer Service Center